

in the pool or pools associated with the floating privilege (e.g. set **905** in FIG. 9, consisting of patents P1, P3 and P9). Exercising the floating privilege, enabled by the trigger event, transfers an interest in one or more pool assets to the client. The number of assets chosen by the client in which to receive an interest (i.e. assets selected on the basis of having potential to assist in addressing the issue or issues surrounding the trigger event) may not, in one embodiment, exceed the predetermined asset limit specified in the floating privilege.

[0091] In one embodiment, the client uses system **800** to search for assets with particular criteria as an aide in discerning the one or more assets in which to receive an interest. In another embodiment, the client may utilize services provided by the pool owner or other parties to assist with the selection process. In another embodiment, the floating privilege does not specify an upper limit on the number of assets that may be transferred but only specifies that a specific need arising out of the trigger event must be satisfied for each asset in which an interest is to be received. For example, contractual language could limit the choice of patents to those deemed to have a defensive purpose for the litigation at hand. That is, in the absence of a useful patent available in the pool for a specific litigation need, the client may not take advantage of the opportunity to acquire arbitrary intellectual property not relevant to the ongoing litigation.

[0092] The floating privilege agreement may include selecting multiple sets, each comprising one or more assets from one or multiple pools, such that each set is tailored to a different trigger event. The number of patents that may be assigned for a given trigger event, in one embodiment, is set to a predetermined limit and specified in the floating privilege agreement. In one embodiment, the predetermined limit is set to one. In another embodiment, the predetermined limit is set to two. In another embodiment, the predetermined limit is set to more than two patents. In another embodiment, the predetermined limit is variable depending upon specific circumstances surrounding the trigger event. In still another embodiment, there is no specific predetermined limit, but rather the number of assets in which an interest is to be received is governed by meeting a standard of appropriate usefulness of the asset to serve a particular purpose as identified within the floating privilege.

[0093] A floating privilege may be terminated in any of numerous ways, as specified within the floating privilege agreement. Exemplary termination conditions include, but are not limited to, failure to make previously agreed to payments, the conclusion of a trigger event, the passing of a particular date or period of time, failure to renew a renewable floating privilege agreement, sale or other demise of the client entity, etc. These, and other conditions agreed to by the client and pool owner for termination, or any combination thereof, are hereinafter referred to as a termination event. Upon the occurrence of a termination event, in one embodiment, interests in assets acquired under the floating privilege are returned to the pool owner. In another embodiment, interests in assets acquired under the floating privilege survive the termination of the floating privilege and remain in the possession of the client. In still another embodiment, disposition of the interest in assets is controlled by other conditions not relating to a termination event. It is to be understood that a “predefined event” or, alternatively and equivalent in its intended meaning, a

“predetermined event” within the context of this application does not typically mean previously identifying an actual event that is pre-arranged to occur at a future time, but rather predefining or predetermining a type of event, such as a litigation event. Therefore, the “predetermining” or “predefining” is typically identifying a type, feature, class, characteristic, etc. such that a future actual event may fall into a specified “predetermined” or “predefined” event category by virtue of its type, feature, class, characteristic, etc.

Multiple Dynamic Asset Pools

[0094] A company with a very large number of patents eligible for a floating privilege exposure may wish to consider dividing the patents into two or more pools. In one embodiment, a single patent may appear in more than one patent pool. For example, multiple pools of patents eligible for a floating privilege may each target one or more predetermined technology areas or, alternatively, the company may choose another selection criterion for placing a patent into one or more patent pools. In this environment, a floating privilege could be directed to any one or combination of existing patent pools of common ownership. In one embodiment, different pricing structures are established for each of the various pools depending upon size of the pool and other characteristics deterministic of value.

[0095] In one embodiment, the resources of multiple portfolio owning enterprises are combined into one or more pools for the purpose of establishing floating privilege agreements. In this way, even more value may be presented for the client’s consideration with a greater number of assets in the one or more pools than would be otherwise possible from just a single enterprise. In this embodiment, client revenues are shared between the owning enterprises in an agreed upon manner, and all pool transactions, as discussed supra, may require the approval of all owning enterprises. In one embodiment, one of the enterprises, or a third party, is designated to manage the one or more pools of combined assets.

Indexing Assets within a Dynamic Asset Pool

[0096] Patents (or other forms of intellectual property assets) can be indexed within the database **801** according to a variety of aspects, as depicted in Table 2, below. Each row in Table 2 corresponds to a patent from a portfolio of assets. Each patent is assigned an asset identifier, e.g. “P1,” “P2,” etc. The state of at least one dynamic factor is stored for each patent. Exemplary fields include the status of the patent and expiration date, the level of value to the portfolio owner, and whether or not each asset has been incorporated into one or more pools, such as the first pool **901**, or the second pool **903**, or both the first and second pools **901** and **903**, from FIG. 9. In the example of Table 2, some patents (e.g. P1 in FIG. 9) are in the first pool **901** but not in the second pool **903**, while others (e.g. P8 in FIG. 9) are in the second pool **903** but not in the first pool **901**. Further, some patents, (e.g. P7 in FIG. 9) are in both the first and second pools. Still other patents (e.g. P2, P4, P5, P6) from the portfolio **900** are not presently eligible for either pool. However, should a dynamic factor of an asset change, e.g. if the level of value to the owner for patent P5 changes from high to low, the portfolio owner may choose to incorporate patent P5 into one or more pools.